

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 01-1555 JP

JOE RAYMOND MONTAÑO,

Defendant.

MEMORANDUM OPINION AND ORDER

On January 30, 2002, the Defendant filed Defendant Montaña's Motion to Suppress Evidence Obtained Through Warrantless Search (Doc. No. 25). On March 5, 2002, I held a hearing on the motion to suppress. The Defendant was present at the hearing and was represented by attorney Joseph Riggs. Assistant United States Attorney Roberto Ortega represented the United States of America.

The facts relevant to the motion to suppress were not disputed at the hearing. The Court, therefore, adopts the testimony of the two witnesses, Parole Officers Stacy Kunkle and Carl Cleland, as containing uncontroverted facts. The Court further concludes that under *United States v. Knights*, 122 S.Ct. 587 (2001) and the New Mexico Probation and Parole Division Policy (number PPD 214) Parole Officers Kunkle and Cleland had reasonable suspicion to search the truck the Defendant drove to the parole office on October 19, 2001 for illegal drugs and firearms. Accordingly, the Court will deny the Defendant's motion to suppress.

IT IS ORDERED that Defendant Montañó's Motion to Suppress Evidence Obtained Through Warrantless Search (Doc. No. 25) is denied.



CHIEF UNITED STATES DISTRICT JUDGE